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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/648,733 | 08/28/2000 | Hiroaki Kawamichi | NIT-228 | 5717 |
| 24956 | 7590 | 01/24/2005 | EXAMINER | |
| MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314 | | | ALI, SYED J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2127 | |

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|---|--|--|
| <p align="center">Office Action Summary</p> | <p>Application No.</p> <p>09/648,733</p> | <p>Applicant(s)</p> <p>KAWAMICHI ET AL.</p> | |
| | <p>Examiner</p> <p>Syed J Ali</p> | <p>Art Unit</p> <p>2127</p> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 23, 2004 has been entered.

2. This office action is in response to the amendment filed August 23, 2004. Claims 16-20 and 22-27 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 112

4. **Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

5. In lines 23-24 of claim 22, the phrase "wherein said step of determining the content of said attribute data determines," does not clearly indicate what is being "determined".

Claim Rejections - 35 USC § 102

6. **Claims 16-20 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Koizumi et al. (USPN 4,789,986) (hereinafter Koizumi).**

7. As per claim 16, Koizumi teaches the invention as claimed, including an attribute data correction method in a distribution system having a plurality of elements each including a computation device and a storage device, said attribute data correction method being performed by at least one of said plurality of elements, said method comprising the steps of:

storing in said storage device in said one element, an attribute data indicating an attribute of said one element (col. 3 lines 24-38);

receiving an attribute data of said one element, from at least another one of said plurality of elements (col. 4 lines 5-10; col. 5 lines 1-3);

determining, by said computation device in said one element, a content of said attribute data to be held by said one element based on the content of said attribute data received from said another element (col. 6 lines 6-10);

correcting the content of said attribute data stored in said storage device to be coincident with the determined content of said attribute data (col. 6 lines 37-49); and

notifying to said another element said determined content of said attribute data from said one element (col. 8 lines 49-51),

wherein said determining step determines said content of said attribute data based upon the majority rule applied to a plurality of contents received from a plurality of said elements other than the self element (col. 6 lines 19-26).

8. As per claim 17, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 16, wherein said correcting step includes a step of judging the necessity of correction by comparing between said determined content of said attribute data and said attribute data stored in said storage device (col. 8 lines 15-20; col. 8 lines 37-43).

9. As per claim 18, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 16, wherein said determining step determines said content of said attribute data within a specific time period, based upon the attribute data received from said another element (col. 6 lines 14-19).

10. As per claim 19, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 16, wherein said determining step determines said content of said attribute data, based upon the attribute data received from a specific number of said elements other than said one element (col. 3 lines 4-13; col. 4 lines 58-60).

11. As per claim 20, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 16, wherein said notifying step of notifying to said another element notifies when all contents received from said another element are not the same (col. 8 lines 15-20; col. 8 lines 37-43).

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12. As per claim 22, Koizumi teaches the invention as claimed, including an attribute data correction method in a distribution system having a plurality of elements each including a computation device and a storage device, said attribute data correction method being performed by at least one of said plurality of elements, said method comprising the steps of:

storing in said storage device in said one element, an attribute data indicating an attribute of said one element (col. 3 lines 24-38);

receiving an attribute data of said one element, from at least another one of said plurality of elements (col. 4 lines 5-10; col. 5 lines 1-3);

determining, by said computation device in said one element, a content of said attribute data to be held by said one element based on the content of said attribute data received from said another element (col. 6 lines 6-10);

correcting the content of said attribute data stored in said storage device to be coincident with the determined content of said attribute data (col. 6 lines 37-49); and

notifying to said another element said determined content of said attribute data from said one element (col. 8 lines 49-51), further comprising the step of defining a significance level for each element at a time of updating, based upon a significance parameter (col. 8 lines 37-43);

wherein said step of determining the content of said attribute data determines, based upon a majority rule using said significance level (col. 8 lines 37-51).

13. As per claim 26, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 22, wherein said significance level is defined based upon

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the number of times of updating the stored attribute data and said significance level is used as a weight of an attribute data applied in the majority rule (col. 8 lines 37-43).

14. As per claim 27, Koizumi teaches the invention as claimed, including an attribute data correction method according to claim 22, wherein said significance level is defined based upon the updating event for the stored attribute data (col. 6 lines 37-49).

Claim Rejections - 35 USC § 103

15. **Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi.**

16. As per claims 23-25, Koizumi does not specifically teach the invention as claimed, including an attribute data correction method according to claim 16, wherein said data correction method is performed when any of said attribute data is accessed to be read, periodically, or at a predetermined time.

17. Koizumi performs data correction when a file edit request is received from a keyboard, i.e. at a user specified point. It should be noted that the problems that Koizumi seeks to remedy, inconsistent data being processed cooperatively in a distributed system, are related to the form of the data and not the timing of the updates. Numerous scheduling algorithms are known that are able to set flags to indicate data has been accessed or to schedule applications to execute at a particular interval or point in time. Such scheduling methods are applicable to Koizumi's data correction method, as well as a wide variety of other applications. To modify Koizumi to

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include such other alternative intervals of updates would have been obvious to one of ordinary skill in the art. As Koizumi seeks to insure that data being operated on by a plurality of devices in a distributed system is consistent, it would be logical to provide as much assurance as possible to protect the integrity of data. Allowing the data correction to occur at periodic intervals or upon being accessed in addition to at a user-specified point is an obvious way of providing additional safeguards against inconsistent data.

Response to Arguments

18. Applicant's arguments with respect to claims 16-20 and 22-27 have been considered but are moot in view of the new grounds of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
January 17, 2005



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